



**Response Under 37 C.F.R. §1.116
Expedited Procedure
Group Art Unit: 2800**

Ok to Enter

PATENT

/R.M./

ATTORNEY DOCKET NO.: 047991-5019

02/05/2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tomoyoshi YAMASHITA, *et al.*

Application No.: 10/538,008

Filing Date: June 3, 2005

For: LIGHT DEFLECTOR AND LIGHT
SOURCE DEVICE

Confirmation No.: 6861

Art Unit: 2885

Examiner: R. May

Mail Stop AF

Commissioner for Patents
U.S. Patent and Trademark Office
Mail Stop AF
Alexandria, VA 22314

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment responding to the Final Office Action dated October 27, 2008.
2. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 460.00	\$ 230.00
<input type="checkbox"/> three months	\$ 1,050.00	\$ 525.00
<input type="checkbox"/> four months	\$1,640.00	\$ 820.00
<input type="checkbox"/> Five months	\$2,230.00	\$1,115.00

Extension of time fee due with this request: \$ 0.00.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for ____ months has already been secured and the fee paid therefor of \$__ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	39	minus	62	0	x \$50 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	3	minus	3	0	x \$210 each=	+ \$
[] First presentation of Multiple dependent claim(s)					\$370.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 0.00

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge \$0.00 for the one-month extension of time fee due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLPDated: January 27, 2009By: 

Xiaobin You

Reg. No. 62,510

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 Alexandria, VA 22314

Sir:

AMENDMENT UNDER 37 C.F.R. § 1.116

In response to the Final Office Action dated October 27, 2008, and pursuant to 37 C.F.R. § 1.116, the period for response to which extends through January 27, 2009, entry of the following amendments is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal: